

**From:** James Dixon  
**To:** Microsoft ATR  
**Date:** 12/19/01 9:35pm  
**Subject:** Comments on the proposed settlement.

Dear Sirs:

I am writing to voice my opinion on the proposed settlement in the Microsoft antitrust trial. I have no legal training and am writing solely as an informed layman. I do have experience with computers, as I have worked as a computer technician for the past 6 years, and have been using computers since 1976.

Microsoft has been found guilty of establishing and maintaining a monopoly in the field of computer operating systems. It is my opinion that the proposed settlement does nothing to penalize them for past illegal actions taken in this regard, and does little to prevent such actions in the future. Quite frankly, in both this trial and the previous one, Microsoft has shown a complete and total disregard for the law and legal agreements. Any penalty must take this into account, and be crafted accordingly. I believe there are three simple components to such an effective penalty.

First, Microsoft should pay a large fine for its past actions -- large not just in layman's terms, but in relationship to the size of the company and its current cash reserves. This money should be used by the court to compensate those injured by Microsoft's illegal activities. How best to do so is a matter best left to the judgement of the court. This serves two purposes. Hopefully it reminds Microsoft that there is a penalty to pay for breaking the law, and thereby dissuades them from doing so in the future. More importantly, it reinforces the standard (and reminds the public and other corporations) that the rule of law is absolute, and disregard of it will not be tolerated.

Secondly, since Microsoft is an acting monopoly, it should be regulated as one. Microsoft should no longer be allowed to negotiate individual license fees for Windows and Office. Instead, as with other regulated monopolies, they should publish a public tariff which lists the quantities and prices at which their products may be purchased. This would prevent Microsoft from providing reduced prices in exchange for exclusive contracts, a popular tactic of Microsoft's in the past. This tariff would be the only way in which Microsoft would be allowed to sell their products. Since this is a fairly harsh penalty, it should probably be subject to periodic review to determine if it is still required. Every 3-5 years would seem to be appropriate.

Thirdly, all API's to Microsoft's products should be made public. This should be enforced by a panel of outside experts with full access to Microsoft's source code, and their decisions should be binding. No API's, security or otherwise, should be excluded, and the disclosure should be fully public, not limited in any way. This will prevent another of Microsoft's popular tactics, reserving hidden API's and only partially documenting others.

Taken together, these three components will act as a significant check on future illegal activities on Microsoft's part, and will allow competing firms and Open Source developers to offer products which both compete and interoperate with Microsoft's. They do not, of course, address the full range of Microsoft's illegal and anti-competitive actions, but doing so is outside of my capabilities or time. These are the points on which I feel qualified to speak, and I believe my recommendations are both simple and relatively easy to implement, especially in comparison to the currently proposed settlement. I would like them to be considered in lieu of or in addition to the proposed settlement.

Finally, if Microsoft cannot agree to these types of regulations, or breaks the agreement in any way, final drastic action is required. Just as a convicted criminal can no longer be allowed to possess weapons, if Microsoft cannot act within the law their weapons should be taken from them. In this case, those weapons are Windows and Office. If Microsoft will not agree to these terms, or live by them, the copyright to Windows and Office should be removed from them and placed in the public domain. I realize this is an extreme and drastic action, but given Microsoft's well demonstrated and total disregard for the law and lawfully negotiated settlements, I can think of no other final penalty which meets the needs of the public.

Thank you for your time and patience.

Respectfully,

James E. Dixon  
Route 3, Box 85-B  
Mannington, WV 26582  
jdixon@pobox.com